

Iowa Public Information Board

*Status Report
February, 2013*

S.F. 430 (copy attached), the bill that established the Iowa Public Information Board (IPIB), requires the board to “prepare and transmit to the governor and to the general assembly, at least annually, reports describing complaints received, board proceedings, investigations, hearings conducted, decisions rendered, and other work performed by the board.” This report reviews the work performed by the board to date in accordance with the directives of S.F. 430.

The board

Governor Branstad appointed the board in July, 2012. Since then the board has met on a monthly basis performing a number of organizational activities necessary prior to being authorized to become operational July 1, 2013.

S.F. 430 states no more than three members of the nine-member board shall represent the media, and not more than three represent cities, counties or other local governments. The members serve staggered four-year terms, and the board must be balanced by political party and gender. The board appoints a chair from among its members. The board is an independent agency. The nine initial appointees are:

---**Robert Andeweg**, Urbandale (Republican) - Robert is an attorney with the Nyemaster Goode Law Firm in Des Moines. He has served on the Urbandale City Council and currently serves as that city's Mayor.

---**Tony Gaughan**, West Des Moines (Republican) - Tony is an attorney who is an Assistant Professor of Law at Drake University in Des Moines.

---**Jo Martin**, Spirit Lake (Democrat) - Jo is a semi-retired vice president of Times-Citizen Communications in Iowa Falls, having worked for several other Iowa newspapers prior to that. She is a Past President of the Iowa Newspaper Association (INA) and the Iowa Newspaper Foundation (INF).

---**Andy McKean**, Anamosa (Republican) – Andy is an attorney who has served as a City Attorney (Morley, Martelle, and Mechanicsville), a County Supervisor (Jones County 2003-2011) and a State Legislator (State Representative 1979-1993 and State Senator 1993-2003).

---**Gary Mohr**, Bettendorf (Independent) - Gary is Executive Director, External Affairs for Eastern Iowa Community College in Davenport.

---**Bill Monroe**, Johnston (Republican) (chair) - Bill retired after 29 years as Executive Director of the Iowa Newspaper Association in 2009. Prior to that, he worked at several Iowa newspapers as an editor or publisher. In 2011, Governor Branstad named him to serve (in a volunteer capacity) as the Governor's Transparency Advisor. He has served on the Executive Committee of the Iowa Freedom of Information Council.

---**Kathleen Richardson**, Des Moines (Democrat) - Kathleen is Director and Associate Professor at the Drake University School of Journalism and Mass Communication in Des Moines and has served as Executive Secretary of the Iowa Freedom of Information Council (IFOIC) since 2000. She has also served as a

coordinator for the Expanded Media Coverage (camera in the courtroom) program for the Supreme Court.

---**Suzan Stewart**, Sioux City (Republican) - Suzan is Senior Managing Attorney with MidAmerican Energy Company.

---**Peggy Weitzl**, Carroll (Democrat) - Peggy is the Treasurer of Carroll County.

Assisting the board

Two attorneys have been assisting the board:

---Larry Johnson serves as Deputy Legal Counsel for Governor Branstad. Part of his responsibilities in this role is fielding the requests for public records in the Governor's office. Larry is among those who meet regularly with the Governor, Lieutenant Governor, Chief of Staff, Chief Legal Counsel and Transparency Advisor to discuss transparency issues.

---Keith Luchtel is an attorney who retired December 31 from the Nyemaster Goode Law Firm after serving almost three decades as legislative representative for the Iowa Newspaper Association and the Iowa Broadcasters Association among others. He was intimately involved in every step of the six-year process that led to passage of S.F. 430, the bill that created the Iowa Public Information Board and serves "of counsel" to the board in a volunteer capacity.

Transparency

It is the goal of the board to be the state's most transparent state agency. The current requirements of the state's Open Meetings Law states the board "...shall give notice of the time, date and place of each meeting, and its tentative agenda, in a manner reasonably calculated to apprise the public of that information. Reasonable notice shall include advising the news media who have filed a request for notice...and posting the notice on a bulletin board or other prominent place which is easily accessible to the public and clearly designated for that purpose....at least 24 hours prior to the meeting..."

The IPIB sends notice out much earlier than 24 hours prior to all meetings and to many more people than only those from the media. To date, 51 people or agencies are being sent meeting notices.

In addition to distributing required tentative agendas the board also sends agenda exhibits and prior meeting minutes when notifying requestors about meetings. The board also posts its agendas on the board's website. The Iowa Newspaper Association also posts all meeting dates on its member calendar.

Current law has no requirements regarding the distribution of board minutes. IPIB minutes are posted on the board's website and sent to all who have requested meeting notice as well as to the Iowa Broadcasters Association and the Iowa Newspaper Association (INA). The INA also publishes the minutes in its member bulletin and posts them on its association website.

The board's vision

At its first meeting on July 19, 2012, the board outlined its vision for the agency it was setting out to define. The minutes of that meeting state the board said its operation should...

---be inexpensive

---be convenient

- provide a one-stop service
- provide uniformity of information and
- provide consistency of information.

Board proceedings

All IPIB meeting minutes are attached.

Resources and activities

The board members currently operate with no staff, no budget and no reimbursements of any kind. The fact that they have met seven times to date with 100 percent attendance at all meetings (except for one meeting when a board member drove three hours to Des Moines for a 2 p.m. meeting which actually was held at 10 a.m. that day) is an indication of their level of commitment to making the Iowa Public Information Board a success.

Board committees have been formed to focus on several organizational tasks including:

- Developing administrative rules and procedures;
- Creating a website;
- Writing a job description for an Executive Director and
- Creating a conflict of interest and ethics policy.

Board tasks completed or underway include...

---**Visiting agencies that come under Chapters 21 and 22.** One of the first things the board began doing in the summer of 2012 was proactively visiting with stakeholders affected by Chapters 21 and 22. A brief summary of each visit is attached to this report. To date, we have made 15 such visits with more visits planned. We have yet to encounter any agency that does not think the IPIB has the potential to be of service to its constituencies provided that it receives the budget appropriation necessary to fulfill the requirements set forth in S.F. 430.

---**Developing a budget.** Two meetings were held with the Department of Management prior to Governor Branstad including a line item for the board in the 2014-15 budget. The budget is intended to enable the IPIB to do all that is required in S.F. 430...but not a penny more. The board will be relying on advice and other assistance from the Attorney General's office, new working relationships with local government and media groups, and Sunshine Law training programs organized by media and local government groups in order to minimize budget needs.

Since the IPIB is a new agency, some of the budget items are one-time expenses.

The budget calls for three staff positions:

Executive Director The Executive Director will be an attorney with expertise on Iowa's Sunshine Laws who will oversee the operation, prosecute most contested cases and will report directly to the IPIB.

Deputy Director The Deputy Director will be an attorney with expertise on Iowa's Sunshine Laws who will serve as an investigator, prosecute some of the contested cases where the Executive Director has a conflict, coordinate all government, media and public training, help the Executive Director answer questions directed to the agency, facilitate informal mediation and assist the Executive Director with other duties.

Administrative Assistant The Administrative Assistant will receive all incoming calls, enter data into the IPIB case management system, update the IPIB website, handle

all filing, assist in preparing correspondence and reports and assist the Executive Director with other duties.

---**Writing administrative rules and procedures.** As of this report, over 90 percent of this work has been done. Deputy Attorney General Julie Pottorff has ably assisted the board in this endeavor. All preliminary drafts of the rules have been treated as public records and have been sent to anyone requesting information about board agendas and meeting times. This transparent process has enabled the board to get input from all affected stakeholders prior to filing the rules.

---**Writing a job description for the Executive Director.** The job description written and approved by the board is attached to this report. The board is in the process of advertising to fill the position. All applications will be public records. A board committee will screen the applications and present a list of from three to five candidates to the full board for interviews. The plan is to have the Executive Director hired and ready to go to work on July 1, 2013 when funding of the board commences.

---**Writing an ethics and conflict of interest policy.** This was done as part of the approved administrative rules.

---**Creating a website.** Since the board operation will be thinly staffed, it's imperative that the board have a robust website. The board is working with Iowa Interactive to create the website. The website's project charter is attached to this report. In short, it will:

- List every formal and informal decision made by the board regarding Chapter 21 and 22 questions;
- Provide information on Iowa's Sunshine Laws;
- Enable users to request information or initiate the complaint procedure;
- View Sunshine Law training materials (videos, PowerPoint, handouts, etc.).

---**Developing a training program.** For the past decade or so, the Iowa League of Cities, the Iowa State Association of Counties, the Iowa Association of School Boards, the Iowa Newspaper Foundation, the Iowa Broadcasters Association and the Iowa Freedom of Information Council have worked together to present training opportunities for their constituents and the general public. The board sees no reason to duplicate this expense and effort. Instead, the board will work with these groups to expand and archive training activities beginning in the second half of 2013.

---**Establishing an information dissemination policy & process.** (To be completed by June, 2013.)

---**Establishing board goals and metrics to measure progress.** (To be completed by June, 2013.)

Board policies

The board has also adopted the following operating policies:

---**Relationships among board, staff and Executive Director**

The following board policy defines the relationships among board members, the executive director and the staff of the Iowa Public Information Board, subject to all pertinent state laws and personnel policies. The board, among other things, sets policy and hires an executive director to carry out the policies. The executive director, in turn, hires and oversees any staff members included in the board's budget. If any board member has any concerns about any staff member, he or she should tell the executive director. If any board member has any concerns about the executive director, he or she

should tell the board chair. If any staff member has any concerns about the operation of the board, he or she should address those concerns with the executive director.

---Prosecutorial duties of Executive Director, deputy director and Attorney General's staff

The following board policy defines the duties among the executive director, the deputy director and members of the staff of the Attorney General when it comes to prosecuting contested cases coming before the Iowa Public Information Board. Whenever possible, the executive director or the deputy director should prosecute any contested cases coming before the board. In any case where the executive director and the deputy director cannot serve as counsel to the board, the board should seek and rely upon the consultation and advice of the Attorney General's staff. The Attorney General's staff would defend the board in court if necessary.